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Attorneys for Respondent

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

**ERIC WILTON BURTON,**

Petitioner,

**v.**

**DIRECTOR OF THE CALIFORNIA  
DEPARTMENT OF CORRECTIONS,**

Respondent.

**08-0325 LAB (POR)**

**APPLICATION FOR 14-DAY  
ENLARGEMENT OF TIME TO  
FILE A RESPONSE TO THE  
FIRST AMENDED PETITION FOR  
WRIT OF HABEAS CORPUS**

Judge: Honorable Louisa S. Porter

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, Respondent, Director of the California Department of Corrections, by and through counsel, Edmund G. Brown Jr., Attorney General of the State of California, and Kelley Johnson, Deputy Attorney General, respectfully requests that this Court enlarge the time within which Respondent has to file a response to the First Amended Petition for Writ of Habeas Corpus.

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1 On June 18, 2008, Burton filed a First Amended Petition. On July 3, 2008, this Court  
2 ordered that the case be reopened and ordered respondent to file a motion to dismiss the First  
3 Amended Petition by August 8, 2008, or to file an answer to the petition by August 22, 2008. On  
4 August 4, 2008, this Court granted Respondent's application for enlargement of time, so that a  
5 motion to dismiss, if any, is due by September 8, 2008; and an answer to the petition, if any, is due  
6 by September 22, 2008.

7 Based on the attached declaration, Respondent respectfully requests that the Court grant  
8 a 14-day enlargement of time so that the motion to dismiss the First Amended Petition is due no later  
9 than September 22, 2008; and the answer is due no later than October 6, 2008.

10 Dated: September 3, 2008

11 Respectfully submitted,

12 EDMUND G. BROWN JR.  
Attorney General of the State of California

13 DANE R. GILLETTE  
Chief Assistant Attorney General

14 GARY W. SCHONS  
Senior Assistant Attorney General

15 GIL GONZALEZ  
Supervising Deputy Attorney General

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19 s/ Kelley Johnson  
KELLEY JOHNSON  
20 Deputy Attorney General  
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**CERTIFICATE OF SERVICE**

Case Name: **Burton v. Dir. of Calif. Dept. of Corrections**  
No.: **08-0325 LAB (POR)**

I declare:

On September 3, 2008, I electronically filed the following document(s):

- **APPLICATION FOR 14-DAY ENLARGEMENT OF TIME TO FILE A RESPONSE TO THE FIRST AMENDED PETITION FOR WRIT OF HABEAS CORPUS**
- **DECLARATION OF KELLEY JOHNSON IN SUPPORT OF APPLICATION FOR 14-DAY ENLARGEMENT OF TIME TO FILE A RESPONSE TO THE FIRST AMENDED PETITION FOR WRIT OF HABEAS CORPUS**

And on Septebmer 3, 2008, I e-mailed the magistrate judge the following document:

- **ORDER GRANTING 14-DAY ENLARGEMENT OF TIME TO FILE A RESPONSE TO THE FIRST AMENDED PETITION FOR WRIT OF HABEAS CORPUS**

**Electronic Mail Notice List**

I have caused the above-mentioned document(s) to be electronically served on the following person(s), who are currently on the list to receive e-mail notices for this case:

NONE

**Manual Notice List**

The following are those who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing):

**Eric Wilton Burton, CDC # F02720**  
**California State Prison Corcoran**  
**P.O. Box 5246**  
**Corcoran, CA 93212**

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on September 3, 2008, at San Diego, California.

C. Herrera

Declarant



Signature